

## Message Text

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PAGE 01 STATE 133276  
ORIGIN SCS-06

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-----114989 251648Z /43  
O 251624Z MAY 78  
FM SECSTATE WASHDC  
TO AMEMBASSY ROME IMMEDIATE

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E.O. 11652: N/A

TAGS:CGEN: (MCDIVITT, JAMES HORACE)

SUBJECT: JUDICIAL ASSISTANCE: SERVICE OF SUBPOENA FOR

GRAND JURY INVESTIGATION

1. ATTORNEY PAUL CORRADINI AT DEPT JUSTICE HAS SENT  
SUBPOENA DIRECTLY TO CUSTOMS ATTACHE AT EMBASSY REQUESTING  
THAT IT BE SERVED BY ATTACHE UPON MR. MCDIVITT. (CASE  
INVOLVES CERTAIN OVERSEAS PAYMENTS OF A US CORPORATION.)  
ALTHOUGH UNDER UNITED STATES LAW THERE IS NO LEGAL PROBLEM  
WITH ANY AGENT SERVING THE SUBPOENA AND TENDERING A GTR  
AND STATUTORY WITNESS FEES UPON THE PERSON SUBPOENAED,  
WE HAVE NOTED THAT VARIOUS GOVERNMENTS RAISE OBJECTIONS TO  
AN AMERICAN OFFICIAL, CONSUL OR OTHER, SERVING THE SUBPOENA  
NOTWITHSTANDING THE FACT THAT THE INDIVIDUAL TO BE SERVED  
IS A UNITED STATES CITIZEN. IF THIS IS THE CASE IN ITALY,  
PLEASE COORDINATE WITH THE ITALIAN AUTHORITIES SERVICE OF  
SUBPOENA UPON MR. MCDIVITT. NOTE, ATTORNEY CORRADINI  
BELIEVES THAT MCDIVITT IS AMENABLE TO SERVE. IF IT  
BECOMES IMPOSSIBLE TO SERVE THE SUBPOENA UPON HIM THROUGH  
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PAGE 02 STATE 133276

THE ITALIAN AUTHORITIES IN TIME FOR DATE FOR APPEARANCE

AT HEARING PLEASE TELEPHONE HIM AND ADVISE HIM OF EXISTENCE  
OF SUBPOENA AND OFFER HIM A GTR AND WITNESS FEES TO COME  
TO US.

2. IF THERE ARE NO OBJECTION TO CONSULAR OFFICER SERVING

SUBPOENA, THEN CONSULAR OFFICER SHOULD LOCATE WITNESS  
SERVE COPY OF SUBPOENA, COURT ORDER, GTR AND WITNESS FEES  
UPON MCDIVITT AND MAKE AFFIDAVIT ATTESTING TO SERVICE  
BEFORE ANOTHER CONSULAR OFFICER.

3. COURT ORDER SHOULD SPECIFY FEES WHICH ARE TO BE  
PROVIDED WITNESS. IF COURT ORDER INDICATES TRANSPORTATION  
IS TO BE AT LOWEST FIRST CLASS RATE, THIS SHOULD BE  
INTERPRETED TO MEAN ECONOMY JET. CHARGE GTR AND WITNESS  
FEES AGAINST 1978 DEPARTMENT JUSTICE APPROPRIATION  
1580311, FEES AND EXPENSES OF WITNESSES, FUND CODE  
8G619601. CHRISTOPHER

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NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 jan 1994  
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**Current Classification:** UNCLASSIFIED  
**Concepts:** n/a  
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**Decaption Date:** 01 jan 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 20 Mar 2014  
**Disposition Event:**  
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**Disposition Reason:**  
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**Enclosure:** n/a  
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**Subject:** JUDICIAL ASSISTANCE: SERVICE OF SUBPOENA FOR GRAND JURY INVESTIGATION  
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**Review Markings:**  
Sheryl P. Walter  
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